

# FOREIGN POLICY ASSOCIATION

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### American Mediation in the Tacna-Arica Dispute

THE breakdown of the negotiations for settlement of the long standing Tacna-Arica dispute between Chile and Peru, in which President Coolidge is Arbitrator, and the abandonment of the plebiscite on June 14 last, has revived active discussion in certain sections of South America of the question of the Monroe Doctrine and the position of the United States in international questions concerning South American countries. Should the present effort to renew negotiations prove unsuccessful, many observers believe this country will be brought face to face with a problem far more significant than that raised by the immediate boundary dispute. The demand for "modification of the Monroe Doctrine" and "Latin America for the Latin-Americans" voiced by a deputy in the Chilean Chamber following the report of Major-General Lassiter, American president of the Plebiscitary Commission, is held an indication of the view likely to be taken by Chile and perhaps echoed by other South American states. At the same time Washington officials are still hopeful of a satis-

factory settlement of the dispute through the good offices of the United States.

Throughout South America the arbitration proceedings in the Tacna-Arica dispute have been followed with the closest attention. They have been widely regarded as a test, not only of the Pan-American principle, but also of the ability of the United States to perform a difficult task of settlement impartially and skillfully. The collapse of the negotiations has led to the opinion in some South American quarters, that the United States failed to devote her best talents to the settlement of the Tacna-Arica problem and that the consequent failure is bound to have its effect on her position and influence in America.

#### BACKGROUND OF TACNA-ARICA DISPUTE

To understand the background of the Tacna-Arica dispute a few words must be said about the geography and history of the participants. During the Spanish colonial period, from the sixteenth century until the beginning of the nineteenth, Chile formed part of the Vice-royalty of Peru as

a Captaincy-General (an administrative unit), leading a somewhat autonomous political existence. Bolivia, the ally of Peru in the War of the Pacific, which gave rise to the Tacna-Arica controversy, belonged to the Vice-royalty of La Plata, the present Argentina. Because all Spanish America was the personal possession of the absolute Spanish sovereigns, it was of little importance whether the exact geographic boundaries of the various political divisions of their American domains were fixed. This uncertainty regarding boundary lines caused many disputes among the new nations when they became free from Spain, from about 1825 on. One of the origins of the War of the Pacific is to be found in this fact.

From 1810 to 1825 the Spanish-American Colonies revolted. In the same armies Peruvians, Bolivians and Chileans were fighting side by side. It was not until 1825 that Peru, Bolivia and Chile began each its separate, independent political existence.

Chile occupies a long narrow strip on the western slope of the Andes. At the widest point the country stretches inland only one hundred and fifty miles. The population is almost pure Spanish in origin and culture. The struggle against nature developed a strong and sturdy people, and the country rapidly evolved a stable, highly centralized and aristocratic government.

North of Chile was the desert of Atacama at that time belonging to Bolivia. The population of Bolivia is mainly Aymara, descendants of the Incas, though the predominant culture and ruling classes are Spanish in origin.

Peru resembles Bolivia in composition, though there the percentage of Spaniards is greater. Both Peru and Bolivia have important mineral deposits which have produced wealth, luxury, laziness and corrupt Governments. Until 1883 Bolivia lay between Chile and Peru. Up until 1842 the relations were relatively peaceful. In that year, however, a Chilean expedition discovered guano, an excellent fertilizer, in the Desert of Atacama, which brought on a long struggle between Chile and Bolivia to decide the ownership of this region.

In 1866 a *modus vivendi* was arrived at. The guano and nitrates (discovered later)

were exploited by Chilean concessionaires under very favorable conditions. Bolivia and Chile established a kind of condominium over a section of this disputed area. Earlier Peru had discovered and exploited nitrates in Tarapaca, just north of the Desert of Atacama. This was a monopoly of the Peruvian Government.

In the '70s corrupt and bankrupt governments held the reins in Peru and Bolivia. The President of Bolivia, in 1878, determined to collect a tax on products exported by Chilean companies from the Atacama region. This action violated the treaty of 1866 and a subsequent treaty signed in 1874 and greatly incensed the Chileans.

#### THE WAR OF THE PACIFIC

The War of the Pacific, which lasted from 1879 to 1883 was a result of Chile's unsuccessful protest against the tax. Chile, though completely outnumbered by Peru and Bolivia, had a disciplined army, a modern navy and a strong, stable government behind her. The two allies were an easy prey and Chile eventually occupied Lima, the capital of Peru. The Treaty of Ancon (1883) ended the war between Chile and Peru and it is Article III of that treaty which has caused the present dissension.

Another treaty concluded the war between Chile and Bolivia. From the latter Chile received the Desert of Atacama with its guano and nitrate deposits, fine harbors and cities. From Peru, Chile gained the valuable district of Tarapaca with its nitrate fields. Chile thus pushed her northern frontier from parallel 25 degrees to 18 degrees. Bolivia, although resenting the demands of Chile, was finally forced to give up hope of a Pacific port.

#### TERMS OF THE TREATY OF ANCON

The origin of the whole Tacna-Arica dispute goes back to Article III of the Treaty of Ancon signed on October 20, 1883, by Chile and Peru. The essential part of this Article reads as follows:

"The territory of the provinces of Tacna and Arica . . . shall continue in the possession of Chile subject to Chilean laws and authority during a period of ten years, to be reckoned from the date of the ratification of the present treaty of peace.

"After the expiration of that term a plebiscite will decide by popular vote whether the territory in the above-mentioned provinces is to remain definitely under the dominion and sovereignty of Chile or is to continue to constitute a part of Peru. That country of the two, to which, the provinces of Tacna and Arica remain annexed shall pay to the other ten millions pesos of Chilean silver or of Peruvian soles of equal weight and fineness.

"A special protocol, which shall be considered an integral part of the present treaty, will prescribe the manner in which the plebiscite shall be carried out, and the terms and time for the payment of the ten millions by the nation which remains the owner of the provinces of Tacna and Arica."

Tacna and Arica are two small provinces, largely desert, covering about 9,000 square miles and embracing a population of roughly 32,000. They are of little commercial value to either of the contestants, but because of the sentimental associations and the intense spirit of nationalism existing in both countries, they are regarded much as were Alsace and Lorraine by France and Germany. Like Alsace-Lorraine, they lie between the two contesting nations, have been fought for and have been symbols of defeat and victory for over forty years. Although the cultures of Chile and Peru are similar, the animosity and hatred existing between them is as bitter as that between France and Germany before the war. The nationalism of Chile and Peru, in common with that of many other South American countries, is far more vital than the Pan-Latin sentiment born of the common Latin heritage. This nationalism is a factor which many American observers feel has been overlooked by the United States in dealing with South American countries.

#### EARLY EFFORTS TO REACH AGREEMENT

In accordance with the terms of the Treaty of Ancon, Tacna and Arica remained in the possession of Chile for a period of ten years from the time the treaty was ratified. Between 1892 and 1922 several efforts were made without success by Chile and Peru to reach an agreement on the terms of the special protocol provided for in the third paragraph of the treaty. An agreement was almost concluded in 1898 when a protocol was signed by both parties and ratified by Chile. It was later

rejected, however, by the Peruvian Chamber of Deputies. It is significant to note that Chile agreed to submit the only two points in this protocol which could not be agreed upon to the arbitration of the Queen of Spain.

During the next twenty years two further attempts were made to reach an accord on the protocol, but both proved abortive and led in one case to the withdrawal of diplomatic relations. In the same period Peru lodged frequent protests against Chilean administration in Tacna-Arica, and diplomatic relations were twice broken off.

#### UNITED STATES OFFER OF MEDIATION, 1921

On December 12, 1921, Chile attempted to reopen negotiations. Peru responded with the proposal that the two countries "submit jointly the whole question . . . . to an arbitration agreed to through the initiative of the government of the United States of America." On the invitation of President Harding, a meeting between the representatives of the two countries was held in Washington, May, 1922 and a protocol of arbitration was signed providing that the unfulfilled provisions of Article III of the Treaty of Ancon "be submitted to the arbitration of the President of the United States, who shall decide them officially and without appeal . . . ."

A supplementary Act defined more clearly the scope of the arbitration by stating in part that:

1. Arbitration shall include the question as to whether a plebiscite shall or shall not be held in the present circumstances.
2. If there is a plebiscite the Arbitrator shall decide the conditions thereof.
3. Should the Arbitrator decide that there should be no plebiscite both parties, at the request of either of them, shall discuss the situation brought about by such an award.
4. In the event that no agreement should ensue both governments will solicit, for this purpose, the good offices of the government of the United States.

Following ratification of the protocol the President of the United States accepted the office of Arbitrator. The cases and counter-cases, occupying many large volumes, were presented to the Arbitrator, and care-

fully reviewed by the Department of State. After the record had been examined, a task which consumed more than two years, the Arbitrator rendered his award.

#### **AWARD OF THE ARBITRATOR**

Under the terms of the protocol President Coolidge, who had succeeded President Harding as Arbitrator, was called upon to decide whether or not a plebiscite should be held; if he decided it should be held, to determine all the conditions of the plebiscite, if he decided against a plebiscite, to take no further action except that in either event he should decide the pending questions with regard to Tarata and Chilcaya.

The decision of the Arbitrator in regard to the principal question was that a plebiscite should be held. After examination of the evidence presented he found that there was no reason why, despite the lapse of so many years, the plebiscite should not be held. The decision on this point upheld the Chilean contention. Peru, in presenting its case, held that Article III of the Treaty of Ancon was no longer valid because of the delay in carrying out its provisions, which delay had been due to the wilful obstruction of Chile. Peru further maintained that the administration of the territory by Chile had altered the conditions essential to the plebiscite as originally contemplated in the treaty. A long list of cases were cited by Peru in support of her contention that Chilean administration had been contrary to the terms of the treaty. These cases summarized briefly fall into two groups, those dealing with the colonization of Tacna and Arica by Chile, the granting of concessions, subsidizing of factories and the founding of newspapers for pro-Chilean propaganda, and those dealing with the persecution of Peruvians in the territory, such as the expulsion of Peruvians, closing of Peruvian schools, suppression of Peruvian newspapers, expulsion of Peruvians priests, etc.

#### **CONDITIONS HELD FAVORABLE FOR PLEBISCITE**

The Arbitrator, after reviewing the history of the negotiations, held that the failure of previous efforts to reach an agreement did not necessarily prove obstruction on the part of Chile. In regard to the ad-

ministration of the territory by Chile he found that Article III of the Treaty of Ancon did not place any qualifications on Chile's administration except as it implied that the use of Chilean authority should not render invalid the provisions for a plebiscite. The Arbitrator felt that the specific complaints dealing with colonization, the granting of concessions and subsidizing of factories, etc., did not conflict with the terms of Article III. Those complaints dealing with Chile's treatment of Peruvians, the closing of Peruvian schools and expulsion of Peruvian citizens, were held insufficient to prevent the holding of a plebiscite. At the same time, the Arbitrator took pains to point out that he was far from approving the course of Chilean administration and condoning the acts committed against Peruvians. He concluded, however, by saying that he saw no reason to conclude that a fair plebiscite in present circumstances could not be held under proper conditions.

In view of the subsequent report of General Lassiter setting forth the reasons for the failure to hold a plebiscite, in which he stated that even at the time the Plebiscitary Commission began its work in August, 1925, suitable conditions for a plebiscite did not exist, there appears to have been some basis for Peru's objections to holding a plebiscite.

Following President Coolidge's decision that a plebiscite should be held in Tacna-Arica, conditions for the plebiscite were laid down in accordance with the supplementary act of the arbitration protocol. These included (1) the classes of persons entitled to vote; (2) provision for a Plebiscitary Commission and Registration and Election Boards with definition of powers and duties; (3) provisions dealing with expenses of the plebiscite, proclamation of the result, legislation by Chile and Peru in aid of the Plebiscitary Commission, and payment of the ten millions by the nation winning the plebiscite, in accordance with the Treaty of Ancon.

#### **CLASSES ENTITLED TO VOTE**

1. The definition of the classes entitled to vote was briefly as follows: Male persons over twenty-one, able to read and write (a) who were born in Tacna or Arica, or (b)



Chileans or Peruvians who had resided continuously in the provinces for two years on July 20, 1922 and remained until the date of registration or (c) foreigners, that is persons eligible for naturalization in either Chile or Peru who declare to the satisfaction of the Commission their intention to apply at once for naturalization in the state winning the plebiscite. Persons unable to read or write were not to be denied the right to vote solely on that ground if they had been owners of real property in Tacna or Arica on January 20, 1922, and continuously until application for registration.

Those not entitled to vote included members of the army and navy, government police, secret service, etc. of either Chile or Peru, government officials or civil employees not born in the provinces. Non-political prisoners, insane persons, etc., were also to be deprived of the vote. Military persons and civil employees of either country who were born in Tacna or Arica, however, were permitted to return to register and vote.

#### POWERS OF PLEBISCITARY COMMISSION

2. The conditions of the Arbitrator provided for a Plebiscitary Commission of three members, one appointed by the government of Chile, one by Peru, and one to act as president, by the United States. The Plebiscitary Commission was authorized to act by a majority vote and establish its own rules and procedure, subject to provisions of the award. The powers of the Commission were stated in general to include complete control of questions dealing with the registration of voters, the casting and counting of the vote and examination of the qualifications of those claiming the right to register a vote. More specifically, the powers and duties of the Commission were to include the adoption of rules and regulations providing for the procedure of at least four Registration and Election Boards and consisting of three members, one to be appointed by each member of the Plebiscitary Commission; for determining the date of the plebiscite, for registration of voters and publication of notices regarding registration and voting; for secrecy of the ballot; for counting of the ballots and for

appeals from the Registration and Election Boards to the Commission, etc. In regard to questions involving the jurisdiction of the Commission on the interpretation of the award, the award read:

"The Arbitrator reserves the power and right on his own motion to entertain a bill from the Plebiscitary Commission on any question decided by it. The Arbitrator further reserves the power and right to entertain a bill on the certificate of the Commission, to the effect that the question decided involves the interpretation of the award, the jurisdiction of the Commission or some question of general importance in relation to the holding or result of the Plebiscite, and that one member of the Commission has filed a dissenting opinion in writing and requested that the question be certified to be arbitrated."

3. The conditions of the plebiscite further provided that the expenses should be borne by the two countries in equal parts, that both Chile and Peru should enact appropriate legislation for the protection of the members of the Plebiscitary Commission and for the trial and punishment of persons guilty of intimidation, bribery and fraud, and for other measures to facilitate the work of the Commission. The winning nation was to pay the ten millions provided for in the Treaty of Ancon in a manner prescribed by the Arbitrator.

#### ATTITUDE OF CHILE AND PERU

The award of the Arbitrator was received almost joyfully in Chile where it was felt that Chile's contentions had been upheld. In Peru, the award came as a great disappointment. Peru's main contention had been that a plebiscite should not be held and that if it were held, because of the Chileanization of the provinces, the plebiscite would result obviously in a Chilean victory. The Peruvian government felt that their complaints against Chile had not been carefully treated and that Peru should be given more adequate guarantees of fair and impartial treatment. On April 2, 1925, the government of Peru submitted a communication to the Arbitrator, reiterating Peru's objections to a plebiscite, but concluding with the formal acceptance of the award. The Arbitrator replied on April 9 answer-

ing in detail the objections made by Peru. A little more than a month later, on June 24, 1925, Peru agreed to name a member of the Plebiscitary Commission, at the same time, however, again stating her objections.

The Plebiscitary Commission arrived in Arica on August 4, 1925 to commence its work of preparing for the plebiscite. It was composed of General Pershing, appointee of the United States, as president, Señor Manuel de Freyre Santander of Peru, Señor Augustin Edwards of Chile. It is impossible to review in detail the work of the Commission and the many claims and counterclaims presented by Chile and Peru during the ensuing ten months in a report of this limited scope. But the following brief outline, together with a summary of the report of Major-General Lassiter, who succeeded General Pershing as president of the Commission after the latter's resignation on February 27, 1926, will indicate the nature of developments and the reasons for the abandonment of the plebiscite.

#### PREPARATIONS FOR THE PLEBISCITE

The Commission began its work immediately upon arrival in Arica in August, 1925. On December 9, 1925, General Pershing, as president, set February 15, 1926, as the date on which the Election Board should begin to function, and April 15th as the date of the vote. The resolution adopted by the Commission included statements which indicated obstruction on the part of Chile, to which the government of Chile immediately took offence. An appeal was made to the Arbitrator in which Chile objected to the dates of registration and voting, as well as certain sections of the resolution. Chile later, on January 9, withdrew her objections to the proposed dates, but maintained her request for modification of the objectionable clauses. The Arbitrator ruled that the objections were not admissible. Following General Pershing's resignation and the appointment of General Lassiter, Peruvian protests against alleged intimidation by Chile led to postponement of the registration from March 1 to March 15 and then to March 27. On that date registration was opened for a period of thirty days, and later extended for 25 days more. During this period ap-

proximately 5,800 voters, largely Chilean, were registered. Meanwhile, the plebiscite was indefinitely postponed, but not abandoned, while the two countries endeavored to adjust their difficulties through mediation at Washington. A number of meetings, in which the Chilean and Peruvian ambassadors in Washington participated with the Secretary of State of the United States, were held during April and May. These meetings were held in secret and no record of what took place was made public. On June 15, however, it was stated at the Department of State that the plenipotentiaries of Peru and Chile had been at that time considering a proposal that a corridor be ceded to Bolivia, with Peru and Chile taking territory to the north and south of the corridor. Finally on June 14 the Plebiscitary Commission voted to abandon the plebiscite altogether. The representative of Chile opposed this decision.

The final abandonment of the plebiscite created intense indignation in Chile and unrestrained enthusiasm in Peru. In Arica, General Lassiter was hissed by mobs of Chilean sympathizers who resented his charges of obstructionist tactics. In the Chilean Chamber of Deputies on June 17 a deputy declared that General Lassiter "had no right to accuse us of such an offence. He should not forget that the United States robbed and took by force the territories that she now owns and that before belonged to Mexico and other nations. Nor should we forget that she usurped territory from Columbia. It is not, then, a general of that nation who has the right to accuse us." In Peru, on the other hand, General Lassiter's report was hailed as a moral victory for Peru.

#### REPORT OF GENERAL LASSITER

The report of General Lassiter setting forth the reasons for the failure to hold a plebiscite, may be briefly summarized as follows:

The report gives in detail the reasons which constrained General Lassiter to request that the work of the Commission be terminated and the plebiscite abandoned and explains that logically and legally the Commission is not required to do a vain and futile thing, *i. e.*, to hold a plebiscite

election in the absence of suitable plebiscitary conditions. Since the Commission was charged with holding a plebiscite not as an end in itself but as the duly selected "means of obtaining a free and therefore effective expression of the will of the people of Tacna-Arica," and since it has become "entirely manifest that the hope of us obtaining an effective expression of the will of the people has become a delusion it becomes *pari passu* the duty of the Commission not simply to suspend or discontinue the efforts of the Commission to hold a plebiscite but to bring them to a definite end." Further, the report explains that the Commission is not empowered to conduct a futile plebiscite as a mere matter of form.

#### UNFAVORABLE CONDITIONS REPORTED

It was felt by General Lassiter that there was not a presumption of a doubt as to the lack of suitable plebiscitary conditions and that any such presumption was repelled by well-known facts, which made it appear "beyond peradventure that the Commission is denied the opportunity of performing its appointed task which is the holding of a fair plebiscite." Therefore the conclusion of the president was that "the Commission is charged with an unequivocal duty to renounce further attempts to hold a plebiscite whenever the task of obtaining an effective expression of the will of the people by means of a plebiscite becomes hopeless."

It was stated in the report that even at the time when the Commission began its work in August, 1925, suitable conditions for a plebiscite did not exist. General Lassiter pointed out that only "reasonably suitable" conditions were even hoped for and that for ten months the Commission had worked with the utmost energy and devotion to (1) provide to hold a plebiscite; (2) "create reasonably suitable conditions therefor to the end that persons entitled to vote shall have due opportunity to do so"; (3) "ascertain whether such suitable conditions had been attained and if not whether they were attainable. In regard to the second of these tasks, according to the terms of the award, the powers of the Commission were very limited for the Chilean Government was left in absolute and unqualified control of the plebiscitary terri-

tory. Indeed the Commission may not properly do more than to suggest, to request or to demand the doing of or refraining from acts by the Chilean Government where compliance with such suggestions, requests or demands appears to the Commission to be conducive to the creation of suitable conditions." General Lassiter reported that the appeals of the Commission to the Chilean Government "have borne no fruit." In regard to the third point, he stated categorically that to his mind there had been a "conclusive ascertainment of the fact that suitable conditions for a plebiscite, if they have existed at any time within recent years, did not exist when the Commission began its labors in August, 1925, that they do not now exist and that there is no prospect of their being brought into existence."

The chief question was and had been of course as to the adequacy of the opportunity of casting votes for Peru. General Lassiter declared that since Chile controls the plebiscitary territory, Chileans are assured of an adequate opportunity to cast their votes in favor of Chile. Therefore the question of "suitable conditions" for the holding of the plebiscite concerns itself with the voting of the Peruvian sympathizers for Peru.

#### OUTRAGES CHARGED TO CHILE

General Lassiter's report enumerates in detail many of the outrages against Peruvians which have been committed by Chile. According to the report, there were two essential elements of the problem of "fatally bad plebiscitary conditions": (1) "whether it is the plan and purpose of the Chilean government to secure to Peruvian sympathizers as well as to Chilean sympathizers an opportunity to register and vote in security and tranquility; (2) the deterring effect produced upon the minds of Peruvian sympathizers by improper acts and occurrences in Tacna-Arica."

The circumstances forcing the conclusion that Peruvian sympathizers have been kept from registering and voting, were divided into two classes:

1. Acts and occurrences of a minatory nature done or happening by the contrivance, encouragement, or sanction of Chilean sympathizers, the warning or information that they will not be permitted to register and vote or that an at-



tempt on their part to do so will be penalized by the authorities and

2. Acts and occurrences which serve to show the lawless hostility to Peruvian sympathizers of Chilean sympathizers and Chilean organizations and to show the failure of the Chilean authorities to afford due protection against injuries and dangers suffered or encountered by Peruvian sympathizers in consequence of such hostility.

The effect of such evidential acts and occurrences upon the minds and conduct of Peruvian sympathizers and the fact of their being actually deterred from exercising the plebiscitary franchise by the state or condition the existence of which is established by these acts and occurrences need not be shown by extraneous evidence. It follows as a matter of course from what we know of human nature.

#### FAILURE TO PROTECT PERUVIANS

In describing in detail some of the major outrages committed against Peruvian sympathizers and electors, General Lassiter stressed the point that "the vital factor in the situation, the one above all others upon which must be based the judgment to be rendered by the Commission, has been the attitude of the Chilean authorities as shown conclusively by their continued failure to take adequate action to secure to Peruvians the due and equal protection of the law or a reasonably free and equal opportunity for the exercise of plebiscitary rights. The report gives detailed description of the major outrages committed. General Lassiter's own summary of these atrocities follows:

The inescapable conclusions must be arrived at that the Peruvian electorate has been physically reduced below its proper figure by such measures as forcible deportations, departures inducted by violence or threats, unexplained disappearances, discriminatory military conscription, and even assassination; that Peruvians who have been driven or frightened out of the plebiscitary territory have not been given by the Chilean authorities due opportunities or facilities to return to register and vote. That there has been a systematic, widespread and effective terrorization of Peruvians brought about through violence of persons and property, through threats, oppression, and persecution; that Peruvians have been coerced into promising to vote for Chile, into promising to remain neutral in the plebiscite, into registering fraudulently on data supplied from Chilean sources, and have been subjected to other general and varied forms of interference with their electoral rights; that Peruvians have been denied the due and equal protection of the laws applicable to the plebiscitary territory; that Peruvians have been subject gen-

erally to unlawful restrictions, molestations, discriminations and other forms of interference with their plebiscitary rights; that Peruvian officials or plebiscitary personnel had been impeded and even subjected to assaults in the effort to discharge necessary or appropriate plebiscitary duties; that there has been general and deliberate misrepresentation and suppression of the real facts by the local Chilean authorities and by the local Chilean press; that the conditions above outlined have been brought about not only with the knowledge and implied approval of the Chilean authorities but in many cases with their connivance as evidenced by failure to restrain the criminal activities of certain so-called patriotic or political organizations whose operations have been accompanied by unmistakable evidence of official support and approval.

#### REPLY OF CHILEAN REPRESENTATIVE

The Chilean member of the Commission, Señor Edwards, entered a lengthy and vigorous protest against the action proposed by General Lassiter in a statement to the Commission just prior to the vote on June 14. In the statement he maintained that the Commission was given no authority by the terms of the Arbitrator's award to abandon the plebiscite, and furthermore that the reasons advanced by General Lassiter were not valid. Regarding the legal powers of the Commission Señor Edwards said:

"In accordance with the award the Plebiscitary Commission is not empowered to present to the Arbitrator any report except that which shall show that it has completed its task by taking the plebiscitary vote; and I refuse to be a party to any such violation of the decision of the Arbitrator. . . . The plebiscite, in accordance with the award, can be declared null and void by the Arbitrator. . . . but it cannot be abandoned after he decided that it should be held."

The Chilean representative further contended that the Arbitrator had already determined the question whether in the present circumstances the plebiscite should be held and that he had had more than two and a half years to examine all the evidence for and against the practicability of a plebiscite. He asked why, if conditions were not favorable even at the time the Commission commenced its work, the Arbitrator had not so indicated in his award. It was not possible, he said, that conditions had changed for the



worse since August 1925. In fact, conditions had actually improved since that time. Señor Edwards devoted the second half of his statement to a detailed review of the improved conditions prevailing, presenting many facts to refute the contentions of General Lassiter. In conclusion he declared that failure to carry out the award would prove a heavy blow to the principle of arbitration. He said, "Meanwhile we protest before all friendly nations and particularly the nations of America against the ruthless disrespect shown by this motion on that eminently American institution — arbitration. May prudence yet prevail and may the appointed executors of the award, which is the fruit of a most notable arbitration, abjure this juridicial heresay of staining the course of justice."

#### **CHILE OBJECTS TO ABANDONMENT OF VOTE**

General Lassiter's report was promptly denounced by Chile, first in the form of a cablegram to all Chilean diplomatic and consular officers on June 21, and later, following a reply by Peru, in a second circular cablegram on July 2.

In its first statement the Chilean government reviewed the history of the plebiscitary process and the negotiations in Washington during April and May. It emphasized the fact that the good offices of the United States were accepted only upon the understanding that the plebiscite be continued and denied the power or legal right of General Lassiter to break off the arrangements for this deciding vote. The statement further denied General Lassiter's accusation that the Chilean authorities had refused to guarantee free voting in the disputed provinces and also denied that Chilean authorities had allowed intimidation of Peruvian voters. In regard to the negotiation of good offices the statement read in part "the negotiation of good offices being subordinate according to the letter of the recommendations of invitation, dated February 17 and April 2, to the unhindered continuance of the plebiscitary proceedings, once these were brought to an end not only illegally but also abruptly, it was useless to think that we could usefully go ahead with out negotiations at Washington."

#### **REPLY OF PERU**

The Minister of Foreign Affairs of Peru sent a cabled statement to the Peruvian Ambassador in Washington on June 24 as a reply to the circular telegram from the Chilean Minister. The statement denied the truth of the Chilean contentions and corroborated the statements made by General Lassiter to the effect that Chilean authorities in Tacna and Arica did not protect Peruvian voters. It stated that "those who are acquainted with the truth of these facts will not consider seriously the statement which mentions the right of 5,800 Chileans registered as voters when it is known that more than 4,000 of these registrations are fraudulent and that they have made a mockery of more than 8,000 Peruvians with the indisputable right to vote in the plebiscite because of their nativity."

Some days later, the Chilean Minister of Foreign Affairs sent his second circular telegram, published July 3, to Chilean representatives abroad, informing them in full of Chile's version of the break-up of the negotiations. This statement reviewed the whole history of the dispute from 1921, when Chile initiated the offer of a plebiscite.

Meanwhile, the efforts at mediation on the part of the United States virtually came to an end on June 18 when the Chilean Ambassador called at the State Department to inform Secretary Kellogg that the abortive end of the arrangements for holding a plebiscite in the area of the dispute automatically abrogated the exchanges in the effort to bring about an amicable adjustment through the exercise of the good offices of the United States.

#### **RESENTMENT OF CHILE**

A reflection of the bitterness aroused in Chile against the United States was furnished on the same day by General Arturo Alessandri, former president of the Chilean Republic, in an interview given to the *New York Times*. Making it clear that his remarks were entirely unofficial, General Alessandri, said that the efforts of the American government to bring about a settlement of the Tacna-Arica controversy had only served to increase the antagonism between the two South American republics and had

alienated Chilean friendship for the United States. He said that there was nothing further that the United States could do towards a settlement. "The United States has served only to increase the hatred between Chile and Peru, and America by her actions has lost the friendship of the small but proud Chilean nation." The former Chilean president protested against the secrecy with which the negotiations in Washington had been conducted, declaring that the people of the United States knew nothing of what had been going on in Arica and did not understand the question. In conclusion, he said, "All my work as president has been broken. I had favored American aid toward bringing about a settlement in face of the opposition of public opinion in my country and I prevented the question from being presented to the League, having faith in the United States."

#### ATTITUDE OF PRESIDENT COOLIDGE

Since the day on which the plebiscite was abandoned and the mediation negotiations were discontinued, President Coolidge, as Arbitrator, has made no public statement. He has not declared whether or not he regarded the action of General Lassiter in calling off the plebiscite within the powers of the Commission nor has he announced what course he intended to pursue. The only information available is that gathered by newspaper reporters, who were told by the State Department on June 15 that under the award the Commission had a right to abandon the plebiscite, the recourse of Chile being an appeal to President Coolidge as Arbitrator. Chile, it was pointed out, did not lodge any

appeal with the Arbitrator. The State Department indicated, however, that although Chile had not taken advantage of the right of appeal against the decision of the Plebiscitary Commission the way was still open for President Coolidge to entertain an appeal on his own motion. They intimated that when the President examines the record of the Commission which will be sent to him, he might at any time take the whole matter up again on his own initiative.

Whether or not the parties to the dispute will, in the event of re-opening negotiations, again accept the good offices of the United States remains an open question. That an effort is being made to induce Chile and Peru to resume discussions in Washington is indicated in a report emanating from the State Department on July 21, to the effect that Secretary Kellogg has been seeking the assent of Chile to certain points as a basis for renewing negotiations. Meanwhile, failure to settle the Tacna-Arica question has been viewed as a blow at American prestige by many South Americans who feel that it will tend to increase the unpopularity of the Monroe Doctrine. While few responsible people have gone so far as to say that it will lead to settlement of future disputes through European or League of Nations mediation many have expressed doubt as to whether the United States will again be asked to lend her assistance.

The ultimate effect on the relations between Chile and Peru cannot be judged at the moment. The possibility of war is not regarded as likely, but the tension between the two countries has been obviously increased and national animosity heightened.

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